

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

CHAMBERS OF
JAMES K. BREDAR
U.S. MAGISTRATE JUDGE

101 WEST LOMBARD STREET
BALTIMORE, MARYLAND 21201
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March 1, 2006

TO ALL COUNSEL OF RECORD

RE: *Mario J. Boiardi, et al v. Berry Van Lines, Inc.*
Civil Case No.: JKB-05-58

Dear Counsel:

Among the manifest issues raised by the papers currently under consideration in this case is the question, not clearly set forth in the papers, as to whether there is any dispute between the parties that the tariff set forth as Exhibit E in defendant's motion was on file with the Interstate Commerce Commission during the time pertinent to the case.

If the defendant contends that the tariff was on file with the ICC at the pertinent time, then it must so aver by signed and sworn affidavit. Correspondingly, if the plaintiffs contend that the tariff was not on file with the ICC during the pertinent time, they must so aver by signed and sworn affidavit. The parties are to file any such affidavits as supplemental exhibits to their motion papers within seven days of the date of this Order.

Despite the informal nature of this letter, it should be flagged as an opinion and docketed as an Order.

Very truly yours,

/S/

James K. Bredar
United States Magistrate Judge

JKB/vl

cc: Court file
Chambers file